
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

GABRIELLE GARDING,

Plaintiff,

vs.

STATE OF UTAH,

Defendant.

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Case No. 2:09CV246 DAK

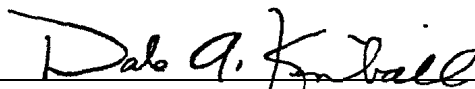
On March 7, 2008, the Magistrate Judge issued a Report and Recommendation in this matter, recommending that the Complaint be dismissed.

Plaintiff has not filed any objection to the Report and Recommendation, and the time for doing so has now passed. The court has reviewed the file *de novo* and agrees that this court lacks subject matter jurisdiction over Garding's claims under the *Rooker-Feldman* doctrine and is barred from exercising jurisdiction over a case in which there may be ongoing state proceedings pursuant to *Younger v. Harris*. Moreover, to the extent Plaintiff is suing the State of Utah, the state is not a "person" within the meaning of Section 1983.

Accordingly, the court hereby APPROVES AND ADOPTS the Magistrate Judge's Report and Recommendation in its entirety. Accordingly, Plaintiff's Complaint is DISMISSED, Plaintiff's Motion for Service of Process [Docket # 5] is MOOT, and Plaintiff's Motion for Appointment of Counsel [Docket # 6] is MOOT. The Clerk of the Court is directed to close this case.

DATED this 18th day of May, 2009.

BY THE COURT:



DALE A. KIMBALL
United States District Judge